

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Samuel I. Cox,

Case No. 22-CV-0478 (PJS/DJF)

Plaintiff,

v.

ORDER

JODI HARPSTED, Commissioner of
Department of Human Services;
MEMBERS UNKNOWN, Client
Placement Committee; ANN
ZIMMERMAN, Head of Security; PHIL
OLSON, Unit Director 1C; TAMMY,
acting director and AGS acting at the
time of the incident; UNIT 1C STAFF;
RACHAEL, Unit 1C Staff; ALLISON
COLLINS, Crest Council Supervisor, 1C
Clinical Team; PAUL MAYFIELD, 1C
Clinical Team; JESSICA DAVISON, 1C
Clinical Team; CINDY, 1C Clinical Team;
MIKE, 1C Clinical Team; and MEMBERS
UNKNOWN, MSOP Administrations,

Defendants.

Samuel I. Cox, pro se.

Leaf McGregor, OFFICE OF THE MINNESOTA ATTORNEY GENERAL,
for defendants.

This matter is before the Court on plaintiff Samuel Cox's objection to the
September 21, 2022 Report and Recommendation ("R&R") of Magistrate Judge Dulce J.

Foster. Judge Foster recommends granting defendants' motion to dismiss and denying Cox's motion for a temporary restraining order ("TRO") as moot. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court agrees with Judge Foster that Cox's failure to respond to defendants' motion to dismiss amounts to waiver. Cox's vague allusions to institutional interference do not show good cause for extending his deadline to respond to the motion to dismiss a *fifth* time, particularly given the shifting explanations he offered in requesting the first four extensions. The Court accordingly adopts the R&R.

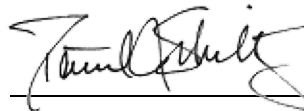
ORDER

Based on all of the files, records, and proceedings herein, the Court ADOPTS the R&R [ECF No. 58]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendants' motion to dismiss [ECF No. 36] is GRANTED.
2. Plaintiff's complaint [ECF No. 1] is DISMISSED WITHOUT PREJUDICE.
3. Plaintiff's motion for TRO [ECF No. 30] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 28, 2022



Patrick J. Schiltz

Chief United States District Judge